

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BUCKEYE TREE LODGE AND  
SEQUOIA VILLAGE INN, LLC, et al.,

Plaintiffs,

v.

EXPEDIA, INC., et al.,

Defendants.

Case No. 16-cv-04721-VC

**ORDER SETTING HEARING**

Assuming the case can proceed on the merits, the Court will almost certainly conclude that a bench trial is required because a genuine dispute exists regarding whether Expedia's messages, as applied to hotels whose rooms were not available on Expedia's sites at all, violate the Lanham Act. The Court does not need to hear argument on this question, nor will it hear argument regarding Expedia's *Daubert* motion.

However, the parties' submissions raise additional questions about whether this case is moot, and whether injunctive relief would be appropriate even if the case were not moot. Relatedly, there are questions about whether the class should be decertified, or whether the class definition should be further modified. The Court will hear oral argument on these questions on Thursday, September 3, 2020, at 10:00 a.m. via Zoom. In addition to arguing the issues, the parties should be prepared to discuss whether an evidentiary hearing is necessary to answer the questions relating to mootness and class decertification, or whether any factual disputes

regarding these issues should be adjudicated as part of the bench trial.

**IT IS SO ORDERED.**

Dated: August 7, 2020

A handwritten signature in black ink, appearing to read 'V. Chhabria', is positioned above a horizontal line.

VINCE CHHABRIA  
United States District Judge